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EXAMINER

NGUYEN, HUY THANH

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/755,553	HOWARD, GARY M.
	Examiner	Art Unit
	HUY T. NGUYEN	2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 26 August 2005.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-34 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-34 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1,13 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Shim et al ( (US 6,694,089) .

Regarding claims 1,13 and 30, Slim teaches in a portable computing device (Fig. 1) , a method of converting video from a digital representation to representation which can be viewed by a user, comprising:

storing, into a random access memory element ( 100) , a digital representation of said video and audio , wherein said storing is performed by way of a first processor(Fig. 1)

halting operation of said first processor, (after recording digital video and audio , the recording operation is halted ) ;

reading said digital representation of said video from said random access memory element, wherein said reading is performed by way of a second processor (Fig. 6, column 7); and

converting (620,622) said video to a format which can be viewed by a user and audio to analog audio format .

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-12,19-24 and 29-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burrows(6,377,530) in view of Kinoshita (4,740,828).

Regarding claim 1 and 30 , Burrows (6,377,530) discloses a recording apparatus (Fig. 1, column 4) in a portable computing device, a method of converting audio from a digital representation to an analog representation, comprising:

storing, into a random access memory element (104) , a digital representation of said audio signal , wherein said storing is performed by way of a first processor (column 4, lines 35-45).

reading said digital representation of said audio from said random access memory element, wherein said reading is performed by way of a second processor (column 4, lines 24-45, column 5, lines 15-20, column 6, line 1-25); and

converting said digital representation of said audio to analog audio information (52) .

Kinoshita teaches a recording/ reproducing apparatus having a power control means for halting operation by reducing or cutting off the electrical power to a first processor used for storing a signal on a random access memory (disc) after the signal has been stored on the random access memory (column 11, lines 50 to column 12, line 20).

It would have been obvious to one of ordinary skill in the art to modify Burrows with Kinoshita by using a power control means as taught by Kinoshita with the apparatus of Burrows for halting the operation of the first processor after the audio

signal has been stored in the random access memory thereby enhancing the capacity of the Burrows apparatus for reducing the power consumption..

Further for claim 30, Burrows as modified with Kinoshita teaches a program stored on a medium and executed by the apparatus for performing the method since Burrows teaches a program executed by the apparatus for processing storing the audio data and Kinoshita teaches using a program for performing s a step of halting operation of the first processor .

Regarding claim 2, Burrows teaches 2. The method of claim 1 further comprising reading a second digital representation of said audio from a peripheral prior to said storing action (column 5, lines 35-45)

Regarding claim 3, Burrows further teaches reading a second digital representation of said audio from an internal storage media (108) prior to said storing action .

Regarding claim 4, Burrows further teaches reading a second digital representation of said audio from a compact disc prior to said storing action (column 4, lines 40-45) .

Regarding claim 5, Burrows further teaches reformatting said second digital representation of said audio from said compact disc prior to said storing action (column 4, line s 46-60).

Regarding claim 6, Burrows further teaches reading a second digital representation of said audio from a network to which said portable computing device is interfaced (column 4, lines 22-24).

Regarding claim 7, Burrows further teaches the converting action further comprises converting said analog format to a sound via a speaker (column 4, lines 30-35).

Regarding claim 8, Burrows teaches the first processor is a general-purpose processor.

Regarding claim 9, Burrows teaches the second processor is an MP3 processor (column 5, lines 60-67).

Regarding claim 10, Burrows teaches the converting action is performed by said MP3 processor (column 5, lines 60-67).

Regarding claim 11, Burrows as modified with Kinoshita further teaches reinitiating operation of said first processor in order to repeat said storing action since Kinoshita teaches the power is supplied to the first processor during a recording mode (See Kinoshita column 11, lines 50 to column 12, line 20) column .

Regarding claim 12, Burrows as modified with Kinoshita further teaches halting operation of a data- storage device consisting of a drive and at least one hard disk since Burrows teaches using a hard disc (column 4) .

Regarding claim 19, Burrows teaches a portable computing device (Figs. 1,3 column 4) which is capable of transmitting audio while operating in a low power mode, comprising:

a first processor for storing a digital representation of said audio into a random access memory element; and

a second processor for reading said representation of said audio from said random access memory element and converting said representation of said audio into analog audio information (column 4, lines 24-45, column 5, lines 15-20, column 6, line 1-25);.

Burrows fails to specifically teach an input to said first processor for receiving a sleep command, said sleep command serving to permit said first processor to enter a low power consumption mode.

Kinoshita teaches recording/ reproducing apparatus having a power control means for receiving the input to a first processor that operates during writing mode in to a low power consumption mode (column 11, line 50 to column 12, line 20) .

It would have been obvious to one of ordinary skill in the art to modify Burrows with Kinoshita by using a control means as taught by Kinoshita with the apparatus of Burrows for entering the first processor into a low power consumption mode thereby enhancing the function of the apparatus of Burrows to reduce the power consumption

Regarding claim 20, Burrows further teaches 20. The portable computing device of claim 19, further comprising a storage disk (104) Fig. 1 column 4, line s 2-5) which stores said digital representation of said audio on a storage media.

Regarding claim 24, Burrows as modified with Kinoshita further teaches that . The portable computing device of claim 19, wherein said first processor additionally receives a second command (recording command ) which causes said first processor

to exit said low power consumption mode since Kinoshita teaches that during a storing action the power is supplied to corresponding parts .

Regarding claim 29, Burrows further teaches a selector for commanding said first purpose processor to store additional digital representations of audio into said random access memory element.

Regarding claim 31, Burrows further teaches storing action of said method further comprises reformatting said digital representation of said audio prior to said storing action. (column 4, line s 46-60).

Regarding claim 32, Burrows further teaches 33 said storing action of said method further comprises reading said digital representation of said audio from a hard disk prior to said storing action (column 1, lines 35-55) .

Regarding claim 33, Burrows further teaches said storing action of said method further comprises reading said digital representation of said audio from an optical storage media prior to said storing action (column 4 lines 35-40).

Regarding claims 34, Burrows as modified with further teaches wherein said storing action of said method further comprises permitting operations of said portable computer to be influenced by at least one selector which is accessible to a user while a display of said computer has been inactivated (See Kinoshita column 11, lines 45 to column 12, lines 20).

5. Claims 21 - 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burrows in view of Kinoshita as applied to claim 19-20 above, and further in view of Ward (5,963,530).

Regarding claim 21 , Burrows fails to teach said storage media is an optical media.

Ward teaches using an optical media for storing the audio information (CD recorder) (Fig. 3). It would have been obvious to one of ordinary skill in the art to modify Burrows with Ward by using an optical media with the apparatus as an alternative to the storage media of Burrows for storing the audio signal .

Regarding claims 22 , Burrows further teaches said first processor includes a converter which converts said digital representation of said audio from a first format to a second format (compressing format) prior to storing said digital representation of said audio into said random access memory element (column 4).

Regarding claim 23, Burrows further teaches the second format is a MP3 (column 5, lines 55-65).

6. Claim 25-26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burrows in view of Kinoshita as applied to claim 26 above, and further in view of Schulhof et al (5,841,979).

Regarding claims 25, Burrows fails to teach using a network interface for supplying the digital audio signal to the apparatus .

Schulhof teaches using a networks interface fro supplying the digital audio signal to an apparatus for recording (column 5, lines 40-65) .

It would have been obvious to one of ordinary skill in the art to modify Burrows with Schulhof by using a network interface as taught by Schulhof with Burrows apparatus as an addition source of the audio signal .for audio

Regarding claim 26, Burrows as modified with Schulhof further said network interface is adapted for use with the Internet ( See Schulhof column 5, 50-65).

Regarding claim 28, Burrows as modified with Schulhof further teaches a PCMCIA interface for supplying a digital representation of said audio to said first purpose processor (See Schulhof column 5, lines 60-68).

7. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burrows in view of Kinoshita as applied to claim 26 above, and further in view of Ramaswamy (6,423,892).

Regarding claim 27, Burrows fails to teach said network interface adapted for use with the Internet makes use of a wireless Internet protocol.

Ramaswamy teaches downloading audio data from a network adapted with the Internet makes use of a wireless Internet protocol (column 1, lines 30-45) .

It would have been obvious to one of ordinary skill in the art to modify Burrows with Ramaswamy by providing the apparatus of Burrows with an interface for receiving the audio from a network adapted with the Internet makes use of a wireless Internet protocol ass an addition audio source.

8. Claims 13- 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ando e al (6,553,181) in view of Kinoshita (4,740,828).

Regarding claim 13, Ando et al discloses a recording apparatus (Fig. 1, column 12, lines 5 to column 13, line 48) in a portable computing device, a method of converting audio from a digital representation to an analog representation, comprising: storing, into a random access memory element (10, DVD) (column 18 lines 55-60), a digital representation of said video signal, wherein said storing is performed by way of a first processor (104)

halting operation of said first processor when the audio is completely stored in the memory (Fig. 3) ;

reading said digital representation of said audio from said random access memory element, wherein said reading is performed by way of a second processor (106); and

converting said digital representation of said audio to analog audio information (112).

Ando fails to teach halting operation of said first processor ;

Kinoshita teaches a recording/ reproducing apparatus having a power control means for halting operation by reducing or cutting off the electrical power to a first processor used for storing a signal on a random access memory (disc) after the signal has been stored on the random access memory (column 11, lines 50 to column 12, line 20).

It would have been obvious to one of ordinary skill in the art to modify Ando with Kinoshita by using a power control means as taught by Kinoshita with the apparatus of Ando for halting the operation of the first processor after the audio signal has been stored in the random access memory thereby enhancing the capacity of the Ando apparatus in reducing the power consumption..

Regarding claim 14, Ando as modified with Kinoshita further teaches reading a second digital representation of said video from a video disc prior to said storing action (See Ando column 9, lines 45-55, Fig. 1, using AV input ).

Regarding claim 15, Ando further teaches compressing (encoding ) said second digital representation of said video from said video disc prior to said storing action (column 9, lines 45-55) .

Regarding claim 16, Ando further teaches the first processor is a general-purpose processor.

Regarding claim 17, Ando further teaches the second processor is a second video processor.

Regarding claim 18. Ando as modified with Kinoshita further teaches reinitiating operation of said first processor in order to repeat said storing action since Kinoshita teaches during a storing action the first processor is reinitiated by the power control means (column 11, line 6 to column 12, line 20).

***Response to Arguments***

9. Applicant's arguments filed 26 August 2005 have been fully considered but they are not persuasive..

Applicant argues that Slim fails to teach a second processor. In response, the examiner disagrees. It is noted that at Fig. 2, Slim teaches a reproducing apparatus having reading means that comprises disc driver, a memory, controller and decoders and for reading and processing the recorded data from a random access memory (DVD). The reading means is considered as the claimed second processor since the reading means used for reading the recorded data.

Applicant argues that Burrows fails to teach a second processor for reading the recorded data. In response, the examiner disagrees. It is noted that Burrows teaches that audio data is recorded on a random access memory or hard disc (column 4, lines 24-45, column 5, lines 15-20, column 6, line 1-25) and then the recorded data can be read out for playing back or transferring to another element. It is clear that Burrows teaches a second processor for reading the recorded data from the random access memory.

Applicant argues that Ando fails to teach second processor or reading out the recorded data. In response, the examiner disagrees. It is noted that Ando teaches means (106) for reading the recorded data from a DVD (random access memory) via a disc drive. In order to reproduce or play the recorded data on the DVD, the recorded data must be read out from the DVD.

Since the claimed second processor merely performs reading the recorded data, any means used for reading data from the random access memory in Slim,

Burrows and Ando ( a circuitry or reading head used fro controlling the reading the recorded data ) can be considered as the claimed second processor .

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N

  
HUY NGUYEN  
PRIMARY EXAMINER